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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chandar, et al.
Serial No.: 09/998,958
Filed: November 1, 2001
For: MILD COSMETIC COMPOSITION WITH STABILIZED
RETINOIDS

Group: 1617
Examiner: L.Q. Wells
Edgewater, New Jersey 07020
AUGUST 6, 2004

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Prem Chandar, hereby declare that:

1. I am a citizen of Malaysia.

2. My educational and technical background in the field of Chemical Engineering and Surface Chemistry is as follows:

- (a) I received a Bachelor of Science degree in Chemical Engineering from Columbia University in the City of New York.
 - (b) I received a Master of Science degree in Mineral Processing and Applied Surface Chemistry from Columbia University in the City of New York.
 - (c) I received a Doctorate of Engineering degree in Mineral Processing and Applied Surface Chemistry from Columbia University in the City of New York.
 - (d) I joined my present employer Unilever in 1992 and I currently have the title Project Leader and Group Leader, located in Edgewater, NJ.
3. I have read the present Application Ser. No. 09/998,958, as well as Habib et al., EP 832 643 and Simon, U.S. Patent No. 6,346,256.

4. The following experiments were conducted by me in support of the significant differences between the present Application and above-named references.

5. **Stability Studies**

Example A:

Retinoid compositions were prepared as detailed in the Table below.

TABLE A. Composition of formulations

		PC-1	PC-2	PC-3
		Habif	Habif plus Pemulen TRII	Habif plus Pluronic F68
phase	Ingredient	wt%	wt%	wt%
a	water	44	44	44
a	methylparaben	0.15	0.15	0.15
a	Veegum	0.6	0.6	0.6
a	butylene glycol	3	3	3
a	Natrasol 250HhR	0.5	0.5	0.5
a	glycerin	2	2	2
a	xanthan gum	0.2	0.2	0.2
a	TEA	1.2	1.2	1.2
a	Pemulen TRII	0	0.25	0
a	Pluronic F68	0	0	1
b	stearic acid	3	3	3
b	Naturechem GMHS	1.5	1.5	1.5
b	lanette18deo	1.5	1.5	1.5
b	cholesterol	0.5	0.5	0.5
b	sorbitan stearate	1	1	1
b	Myrj 59	2	2	2
b	Protochem ISP	6	6	6
b	Hestester Fao	3	3	3
b	dimethicone 20 (50ctks)	1	1	1
b	propylparaben	0.1	0.1	0.1
c	water	28.55	28.3	28.45
d	retinol 50°C (50%)	0.2	0.2	0.2
	Total	100	100	100

Composition PC-1 was prepared in accordance with the procedure exactly as exemplified in Habif et al., US 5,744,148, which corresponds to EP 832 643. Composition PC-2 and PC-3 was prepared similarly and differed from PC-1 only in that 0.25% Pemulen TRII and 1% Pluronic F68 were added, respectively.

Example B: Retinol stability

Retinol levels upon storage at 50°C of the above samples were determined via the HPLC method described in Habif et al.

TABLE B

<u>Storage Time(days at 50°C)</u>	<u>Retinol concentration (% of initial)</u>		
	PC-1	PC-2	PC-3
0	100	100	100
16	68	64	66
30	44	28	41.5
Half life, days	24	20	26

6. I conclude the following from these experiments:

The data shows that formulations prepared in accordance with the teachings of Habib et al. and can achieve indeed achieve a half life of at least 15 days at 50°C. However adding the inventive polymers Pemulen TRII or Pluronic F68 to the Habib et al. formulations (PC-2 and PC-3) do not result in improved stability over the formulation PC-1. Thus, retinol stability in terms of the half life of the retinoid in the composition of at least about 70 days at 50°C is not anticipated from the teachings of Habib and Simon.

7. I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issuing thereon.

Dated: AUGUST 6th, 2004

By: Prem Chandar
Prem Chandar

Title: Project Leader and Group Leader